

1 KILPATRICK TOWNSEND & STOCKTON LLP
2 DENNIS L. WILSON (State Bar No. 155407)
3 dwilson@kilpatricktownsend.com
4 DAVID K. CAPLAN (State Bar No. 181174)
5 dcablan@kilpatricktownsend.com
6 CAROLINE Y. BARBEE (State Bar No. 239343)
7 cbarbee@kilpatricktownsend.com
8 9720 Wilshire Blvd PH
9 Beverly Hills, CA 90212-2018
10 Telephone: 310-248-3830
11 Facsimile: 310-860-0363

12
13 Attorneys for Plaintiff
14 SHOWTIME NETWORKS INC.

15
16 **UNITED STATES DISTRICT COURT**
17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
18 **WESTERN DIVISION**

19 SHOWTIME NETWORKS INC.,

20 Plaintiff,

21 v.

22 JOHN DOE 1 d/b/a Kopa Mayweather
23 d/b/a <Livestreamhdq.com>;
24 <mayweathervsmcgregor.livestreamhdq.c
25 om>;
26 <mayweathermcgregor.livestreamhdq.co
27 m>;
28 <mcgregorvsmayweather.livestreamhdq.c
om>; and JOHN DOE 2 d/b/a Mickel
Edwards d/b/a
<Floydmayweatherconormcgregor.us>;
<Floydmayweathervsconormcgregorfight.
us>;<Floydmayweathervsmcgregor.us>;<
Mayweathermcgregorfight.us>;<Mayweat
hermcgregorlivefight.us>;<Mayweathervs
conorlive.us>;<Mayweathervsconormcgre
gorlive.us><Mayweathervsmcgregor.us>;
<Mayweathervsmcgregor2017live.us>;<
Mayweathervsmcgregorboxing.us>;<May
weathervsmcgregorbuytickets.us>;<May

CASE NO. 2:17-CV-6041

**EX PARTE APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE WHY A PRELIMINARY
INJUNCTION SHOULD NOT
ISSUE**

1 weathervs-
 2 mcgregorlive.us>;<Mayweather-vs-
 3 mcgregorlive.us>;<Mayweather-vs-
 4 mcgregor-live.us>;
 5 <Mayweathervsmcgregorliveboxing.us>;
 6 <Mayweathervsmcgregorlive-
 7 boxing.us>;<Mayweathervsmcgregorlive-
 8 fight.us>;<Mayweathervsmcgregorlive-
 9 online.us>;<Mayweathervsmcgregorlive-
 10 ppv.us>;<Mayweathervsmcgregor-live-
 11 stream.us>;<Mayweathervs-
 12 mcgregorlivestream.us>;<Mayweathervs-
 13 mcgregorlive-stream.us>; <Mayweather-
 14 vs-mcgregorlivestream.us>;
 15 <Mayweathervs-
 16 mcgregorlivestreaming.us>;<Mayweather
 17 -vs-mcgregorlivestreaming.us>;
 18 <Mayweathervsmcgregorppvbuys.us>;
 19 <Mayweathevsmcgregorppvfight.us>;
 20 <Mcgregorvsfloydmayweather.us>;
 21 <Mcgregorvsmayweatherppvfight.us>;
 22 <Watchconormcgregorfightonline.us>;
 23 <Watchmayweathervsmcgregorlive.us>;
 24 <Watchmayweathervsmcgregorlivestream
 25 .us>;<Watchmayweathevsmcgregorlivefi
 26 ght.us>;<Watchmayweathevsmcgregorp
 27 pvfight.us>;<Watchmcgregorvsmayweath
 28 er.us>;<Watchmcgregorvsmayweatherliv
 e.us>;
 <Watchmcgregorvsmayweatherlivestream
 .us>; <mayweathervs-mcgregor.us>;
 <mayweathervsmcgregorliveonline.us>;
 <mayweathervsmcgregorliveppv.us>;
 <mayweathervsmcgregorlivestream.us>;
 and <mayweathervmcgregorppvbuys.us>;
 and JOHN DOES 3-10 inclusive,

Defendants.

1 Pursuant to Federal Rule of Civil Procedure 65 and Local Rules 7-19 and 65-
 2 1, Plaintiff Showtime Networks Inc. (“Plaintiff”) hereby applies *ex parte* for: a
 3 temporary restraining order; and an order to show cause why a preliminary
 4 injunction should not issue.

5 By this application, Plaintiff respectfully requests immediate relief to prevent
 6 Defendants John Doe 1 d/b/a Kopa Mayweather d/b/a <livestreamhdq.com>,
 7 <mayweathervsmcgregor.livestreamhdq.com>, <mayweathermcgregor.livestream
 8 hdq.com>, and <mcgregorvsmayweather.livestreamhdq.com> (the
 9 “LiveStreamHDQ Websites”); John Doe 2 d/b/a Mickel Edwards d/b/a
 10 <Floydmayweatherconormcgregor.us>, <Floydmayweathervsconormcgregor
 11 fight.us>, <Floydmayweathervsmcgregor.us>, <Mayweathermcgregorfight.us>,
 12 <Mayweathermcgregorlivefight.us>, <Mayweathervsconorlive.us>,
 13 <Mayweathervsconormcgregorlive.us>, <Mayweathervsmcgregor.us>,
 14 <Mayweathervsmcgregor2017live.us>, <Mayweathervsmcgregorboxing.us>,
 15 <Mayweathervsmcgregorbuytickets.us>, <Mayweathervs-mcgregorlive.us>,
 16 <Mayweather-vs-mcgregorlive.us>, <Mayweather-vs-mcgregor-live.us>,
 17 <Mayweathervsmcgregorliveboxing.us>, <Mayweathervsmcgregorlive-boxing.us>,
 18 <Mayweathervsmcgregorlive-fight.us>, <Mayweathervsmcgregorlive-online.us>,
 19 <Mayweathervsmcgregorlive-ppv.us>, <Mayweathervsmcgregor-live-stream.us>,
 20 <Mayweathervs-mcgregorlivestream.us>, <Mayweathervs-mcgregorlive-
 21 stream.us>, <Mayweather-vs-mcgregorlivestream.us>, <Mayweathervs-
 22 mcgregorlivestreaming.us>, <Mayweather-vs-mcgregorlivestreaming.us>,
 23 <Mayweathervsmcgregorppvbuys.us>, <Mayweathervsmcgregorppvfight.us>,
 24 <Mcgregorvsfloydmayweather.us>, <Mcgregorvsmayweatherppvfight.us>,
 25 <Watchconormcgregorfightonline.us>, <Watchmayweathervsmcgregorlive.us>,
 26 <Watchmayweathervsmcgregorlivestream.us>, <Watchmayweathervsmcgregor
 27 livefight.us>, <Watchmayweathervsmcgregorppvfight.us>, <Watchmcgregor
 28 vsmayweather.us>, <Watchmcgregorvsmayweatherlive.us>, <Watchmcgregorv

smayweatherlivestream.us>, <mayweathervs-mcgregor.us>, <mayweathervs mcgregorliveonline.us>, <mayweathervsmcgregorliveppv.us>, <mayweathervs mcgregorlivestream.us>, and <mayweathervsmcgregorppvbuys.us> (the “.US Affiliate Websites”); and John Does 3 through 10, inclusive (collectively, “Defendants”) from infringing Plaintiff’s invaluable intellectual property rights by offering and distributing over the Internet a live stream of the coverage of the widely anticipated championship boxing match between Floyd Mayweather, Jr. and Conor McGregor, which will occur on Saturday, August 26, 2017 along with three undercard bouts (the “Fight”). In the United States, the transmission and/or performance of the Fight will be available as a pay-per-view event beginning at approximately 9:00 p.m. Eastern Time on August 26, 2017, and continuing until the Fight’s conclusion. The transmission and/or performance is referred to as the “Coverage.”

Plaintiff requests that the Court enter a temporary restraining order that includes the following material terms as set forth in additional detail in the proposed order submitted herewith:

1. Each and every one of the Defendants and their agents, servants, employees, officers, attorneys, successors, licensees, partners, and assigns and all other persons who receive actual notice of this Order and who are in active concert or participation with any of them, are temporarily restrained and enjoined from:
 - a. making the Fight available for viewing by others by knowingly hosting, distributing, reproducing, performing, selling, offering for sale, making available for download, streaming or making any other use of the Coverage or any portion thereof;
 - b. taking any action that induces, causes or materially contributes to the direct infringement of Plaintiff’s rights in the Coverage by any third party, including without limitation knowingly hosting, distributing, reproducing, performing, selling, offering for sale, making available for

1 download, streaming or making any other use of the Coverage or any
2 portion thereof;

3 c. otherwise infringing Plaintiff's copyright in the Coverage in any manner,
4 whether directly, contributorily, vicariously or in any other way; and

5 d. transferring or performing any function that results in the transfer of the
6 registration of the LiveStreamHDQ Websites or .US Affiliate Websites
7 to any other registrant or registrar.

8 2. Defendants and each of them, including without limitation their agents,
9 servants, employees, officers, attorneys, successors, licensees, partners, and assigns
10 and all those acting in active concert or participation with any of them be temporarily
11 restrained and enjoined from effecting assignments or transfers, forming new entities
12 or associations or utilizing any other device for the purpose of circumventing or
13 otherwise avoiding the Court's order.

14 Plaintiff further requests that the Court require no bond to be posted prior to
15 entry of the restraining order.

16 Plaintiff further requests that the Court enter an order to show cause why a
17 preliminary injunction should not enter and set an expedited briefing and hearing
18 schedule so that the motion may be heard at the earliest possible time.

19 Plaintiff has not yet been able to verify Defendants' true names and locations.
20 To Plaintiff's knowledge none of Defendants are represented by counsel. Plaintiff
21 gave Defendants notice of this application by electronic mail on August 15, 2017, as
22 set forth in the Declaration of Caroline Y. Barbee submitted herewith. As of this
23 filing Plaintiff has received no response from Defendants.

1 DATED: August 15, 2017

Respectfully submitted,

2 KILPATRICK TOWNSEND & STOCKTON
3 LLP

4 By: /s/ Dennis L. Wilson
5 DENNIS L. WILSON

6 Attorney for Plaintiff
7 SHOWTIME NETWORKS INC.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28